

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

-against-

ROBERT MILES

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: **S1 16 Cr. 212 (LAK)**
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DEFENDANT’S SENTENCING SUBMISSION

**Matthew J. Kluger, Esq.
184 East 161st Street
Bronx, New York 10451
(718) 293-4900**

MATTHEW J. KLUGER
ATTORNEY AT LAW

184 EAST 161ST STREET, 2ND FLOOR
BRONX, NEW YORK 10451
(718) 293-4900 • FAX (718) 618-0140
www.klugerlawfirm.com

May 30, 2017

By ECF and Email

Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Robert Miles
S1 16 Cr. 212-038 (LAK)

Dear Judge Kaplan:

Defendant Robert Miles is scheduled to be sentenced tomorrow, May 30, 2017 at 4:00 p.m. In advance of sentencing, I respectfully submit this brief letter and its exhibit for the Court's consideration. On January 20, 2017, Robert Miles appeared before the Honorable Andrew J. Peck and, pursuant to a plea agreement with the Government, pled guilty to a lesser included offense of Count Two of the Indictment charging him with conspiring with others to distribute oxycodone.¹

Robert Miles is a 56-year old man with no prior criminal history. He is married to Donna Miles, his companion of 22-years. Because Ms. Miles is hearing impaired, Robert Miles learned sign language and later became a certified New York State sign-language interpreter. Donna and Robert have four children together and have legally adopted their minor granddaughter Jaida, age 9. Mr. Miles is in relatively poor health and is in constant pain due to injuries caused by prior work and automobile accidents.

In this case, Miles essentially provided pills with an aggregate weight of .15 grams of oxycodone to a codefendant (his son) who in turn, provided those pills to others in the conspiracy for distribution.² Based on a total offense level of six and a criminal history category of I, the parties and U.S. Probation agree that the advisory guidelines range of imprisonment is zero to six-months. Given the guidelines range and other 18 U.S.C. § 3553(a) factors laid out in the "Justification" portion of the PSR, Probation

¹ Although Count Two of the Indictment charges Miles with a violation of 21 U.S.C. §841(b)(1)(A), under the terms of the plea agreement, the Government has accepted a guilty plea to the lesser included offense of 21 U.S.C §841(b)(1)(C). Thus, there is no mandatory minimum sentence.

² Miles was prescribed the pills legally for pain.

recommends that Miles be sentenced to time already served (approximately eight days), and a three-year term of supervised release.³ Not surprisingly, the defense joins in the recommendation of time served, but submits that here, a two-year period of supervised release would be sufficient. In further support of this request, counsel has attached a letter from Donna Miles, Mr. Miles' wife.

Although relatively minor by federal standards, Robert Miles has still committed a crime and must be punished accordingly. Here, a sentence of time served and a two-year term of supervised release would be sufficient to satisfy the goals of sentencing.

Respectfully submitted,

/s/ Matthew J. Kluger

Matthew J. Kluger, Esq.

Attorney for Robert Miles

cc: AUSA Rachel Maimin and AUSA Drew Turner Johnson-Skinner (ECF/email)

³ Probation also recommends a \$1,000 fine, which the defense submits is unwarranted and would place an undue financial burden on Miles and his family.